

Message Text

LIMITED OFFICIAL USE

PAGE 01 KUALA 04175 210609Z

21

ACTION DHA-02

INFO OCT-01 EA-07 ISO-00 IO-13 ORM-02 SCA-01 VO-03 /029 W

----- 084743

R 210311Z JUL 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 4042

INFO AMEMBASSY BANGKOK

AMEMBASSY CANBERRA

AMCONSUL HONG KONG

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY WELLINGTON

USMISSION UN NEW YORK

INS WASHDC

LIMITED OFFICIAL USE KUALA LUMPUR 4175

E.O. 11652: N/A

TAGS: SRDF, MY

SUBJECT: MALAYSIAN LAW MINISTER ON TERRITORIAL ASSYLUM AND REFUGEES

REF: A. STATE 178281, B. STATE 174502, (NOTAL), C. KUALA

LUMPUR 3736, D. KUALA LUMPUR 3331 (NOTAL), E. KUALA

LUMPUR 2960 (NOTAL)

1. SUMMARY. MALAYSIAN LAW MINISTER DEFENDS SOVEREIGN RIGHT
OF STATE TO DECIDE WHETHER TO GRANT OR REFUSE TERRITORIAL
ASYLUM. NEVERTHELESS HE INDICATES MALAYSIA IS
INCLINED AS A GESTURE OF INTERNATIONAL GOODWILL
TO SIGN AN INTERNATIONAL CONVENTION ON
TERRITORIAL ASYLUM. ISSUE IS IMPORTANT TO GOM
WHICH IS CONCERNED BY CONTINUED ARRIVAL OF VIETNAMESE REFUGEES.
IN OUR VIEW GOM LIKELY BECOME LESS RESPONSIVE TO
ACCEPTING REFUGEES ON "TEMPORARY"
BASIS IF INTERNATIONAL COMMUNITY DOES NOT ACT
WITH VIGOR TO ACCEPT VIETNAMESE
REFUGEES FOR PERMANENT RESETTLEMENT ELSEWHERE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KUALA 04175 210609Z

END SUMMARY.

2. JULY 18 ISSUE OF "NEW STRAITS TIMES" (NST) CARRIED ARTICLE ON RECENT KUALA LUMPUR SESSION OF AFRO-ASIAN LEGAL CONSULTATIVE COMMITTEE (AALCC) WHICH INCLUDES REFERENCE TO REMARKS BY MALAYSIAN LAW MINISTER TAN SRI ABDUL KADIR BIN YUSOF ON TERRITORIAL ASYLUM AND REFUGEES DURING A POST MEETING INTERVIEW. ACCORDING TO THIS PARAPHRASED ACCOUNT, TAN SRI KADIR HELD THAT GRANTING OR REFUSAL OF TERRITORIAL ASYLUM MUST BE LEFT TO THE DISCRETION OF THE STATE CONCERNED AS A SOVEREIGN RIGHT AFFECTING THE NATIONAL SECURITY AND ECONOMY (SEE REFTEL C FOR HIS PREVIOUS REMARKS ON SUBJECT). HE CITED THE LACK OF A STANDARD CONVENTION OR RULES ON TERRITORIAL ASYLUM BUT NOTED THAT THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES HAS PREPARED A DRAFT CONVENTION OF THIS THAT WOULD BE SENT TO ALL UN MEMBER STATES FOR COMMENTS PRIOR TO A PLENIPOTENTIARY CONFERENCE DUE TO BE HELD IN JANUARY, 1977.

3. TAN SRI KADIR REPORTEDLY SAID THAT MALAYSIA GRANTED ASYLUM TO ALIENS (POLITICAL AND REFUGEE-SIC) ON THE MERITS OF EACH INDIVIDUAL CASE, AND WAS QUOTED AS ADVOCATING THAT "THE CONVENTION SHOULD IN NO WAY LIMIT THE SOVEREIGNTY OF STATES AND IMPOSE INTERNATIONAL OBLIGATIONS ON THEM TO GRANT ASYLUM TO ALIENS IRRESPECTIVE OF WHETHER IT IS IN THE INTEREST OF SUCH STATES". NONTHELESS HE ADDED THAT MALAYSIA INTENDED TO SIGN THE CONVENTION IN ORDER TO GAIN GOODWILL AND FRIENDSHIP OF OTHER NATIONS, NST REPORTED.

4. COMMENT: GOM, ALTHOUGH TO DATE ALLOWING BOATS BEARING VIETNAMESE REFUGEES TO LAND FOR HUMANITARIAN REASONS ON OSTENSIBLY "TEMPORARY" BASIS, NEVERTHELESS REMAINS QUESY ABOUT CONTINUING ARRIVALS OF REFUGEES TO ITS SHORES AND ESPECIALLY POSSIBILITY OF ANY RENEWED LARGE SCALE EXODUS FROM VIETNAM, AND THUS WANTS TO RESERVE THE RIGHT TO ACCEPT OR REFUSE ASYLUM AS IT COHSES. IN OUR VIEW, WILLINGNESS OF GOM TO CONTINUE TO LET INDOCHINESE REFUGEES LAND OR BE PUT ASHORE FROM MERCHANT VESSELS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 KUALA 04175 210609Z

THAT PICK THEM UP ON HIGH SEAS (AS IN "GREEN BAY" CASE-REFTEL D) DEPENDS ON ABILITY OF THIRD COUNTRIES ACCEPT REFUGEES FOR PERMANENT RESETTLEMENT, AND ON HOW EXPEDITIOUSLY THIS MOVEMENT IS ACCOMPLISHED. (ADMINISTRATIVELY, REFUGEE MATTERS ARE HANDLED BY NATIONAL SECURITY COUNCIL AND SECURITY COUNCILS OF STATES IN WHICH REFUGEES ARE LOCATED, AND HENCE DIVERT ATTENTION AND MANPOWER FROM WHAT GOM PERCEIVES AS MORE IMPORTANT INTERNAL SECURITY PRIORITIES).

UNDERHILL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REFUGEE RESETTLEMENT, POLITICAL ASYLUM, POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976KUALA04175
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760280-0195
From: KUALA LUMPUR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760738/aaaabgoa.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DHA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 178281, 76 STATE 174502
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2004 by ifshinsr>; APPROVED <15 SEP 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MALAYSIAN LAW MINISTER ON TERRITORIAL ASSYLUM AND REFUGEEES
TAGS: SREF, PFOR, MY
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006